



U.S. Department of Justice  
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

DEC 1 2009

The Honorable John Conyers, Jr.  
Ranking Minority Member  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Conyers:

This responds to your letter regarding concerns as to whether an illegal arrangement may exist between the Regional Bell Operating Companies (RBOCs) not to compete in each other's local exchange territories. The Department appreciates having the benefit of your perspective. An identical response is being sent to Congresswoman Zoe Lofgren.

The Department has for a long time played a very active role in preserving and promoting competition in the telecommunications industry. The Telecommunications Act of 1996 gave the Department an important role -- which we know Members of the House Judiciary Committee were instrumental in helping secure -- in evaluating and advising the FCC on applications by the RBOCs to gain permission under section 271 of the 1996 Act to provide long distance services in their territories. The Department participated in the process to establish the procedures and standards to be used by the FCC in reviewing section 271 applications, and has filed reports with the FCC stating its views on the merits of each 271 application. The Division has also continued aggressively investigating proposed mergers and potentially anticompetitive conduct in the industry, and has brought appropriate enforcement actions where warranted.

You may be assured that the Division will carefully review the information in your letter and other information available to us from past investigations, and will continue to carefully monitor competitive developments in this important industry.

Thank you for bringing your concerns to our attention. If we may be of further assistance, please feel free to contact our office.

Sincerely,

Jamie E. Brown  
Acting Assistant Attorney General